

Maryland DNR's Response to Comments Submitted Specific to Possession Limit Restrictions for Black Bass Tournaments in 2016

March 25, 2016

The Department has taken numerous recent actions to improve black bass fisheries in Potomac River by addressing pollution, instituting stocking, enhancing habitat, and providing handling tips to all anglers who target black bass in Maryland. In addition to these actions, the Department has also implemented a new condition on tournament permits in order to help reduce fishing mortality and reduce stockpiling of large fish. This is the first river wide action to affect possession of tidewater black bass in 25 years. In today's fishery, possession is largely associated with black bass tournaments and while their anglers are conservation stewards, any change in possession limit will affect primarily them. This action related to possession was taken as an emergency measure to address population problems that have been evidenced by both agency surveys and angler reports. It is the Department's responsibility to act and, using every tool possible, respond to the population issue.

The Department sent a memo that last week with a new possession restriction for tournaments. For tournaments held from June 16 to October 31 at Maryland weigh-in locations on Potomac River or Upper Chesapeake Bay (Susquehanna, Northeast, Elk, Susquehanna flats), participating anglers are limited to a 12 inch minimum size and a possession limit of 5 bass (largemouth and smallmouth combined), only one of which may be 15 inches or greater (per angler, per day). Therefore, an angler can weigh-in 5 fish over 12" to UNDER 15" and only 1 of those may be 15" AND BIGGER (from tip of snout to tip of tail).

The Department received many comments since sending out the memo with justification regarding this possession change. The Department appreciates the input and has made modifications to the original possession restriction.

Tournament directors will now be provided two options or choices when applying for a permit for tournaments held in Maryland on Potomac River or Upper Chesapeake Bay from June 16 through October 31. Both options are designed to reduce fishing mortality and reduce stockpiling of large fish. Option 1 requires the tournament director/participants to adhere to the slot limit permit condition. Option 2 requires directors to adhere to special conditions that minimize fish stress, thereby reducing fishing mortality. These special conditions have been modeled after those used in Florida bass fisheries. Option 2 allows directors/participants to adhere to statewide regulations during this time period (minimum 12" size, 5 fish creel).

The following is a summary of the major comments/input we have received, including a response from the Department

1. **Some clubs stated they will honor the new rule, several find it biologically meaningful and similar to existing strategies in Florida, Minnesota, and Texas.** Some tournament directors that already have tournament permits issued for tournaments between June 16 through October 31 agreed to implement the new permit condition restriction voluntarily.

2. **Maryland's businesses will be adversely impacted when large tournaments (FLW, BASS, etc.) pull out of Maryland and smaller tournaments depend on anglers who *want* to catch big bass.**

A restriction of one large fish greater than 15" does not preclude tournament activity in Maryland waters. Tournaments are held in water of other states with a minimum and maximum size for possession (e.g. Fayette County Lake TX; statewide FL; several lakes, MN; Lake Casitas, CA). Other types of tournaments (Fishing League Worldwide, iAngler tournaments) are also possible and nationally popular. The FLW and BASS are scheduled to be held in Maryland in 2016.

3. The restriction will harm tourism and tournament businesses.

The Department is concerned that there is already declining tournament activity in the Potomac River in response to the declining bass population (see Figures 1 and 2). In addition, reported catch in 2015 averaged among tournaments declined from 3 bass/angler to 2 bass/angler, impacting the angling experience. The bass population decline may have already had a negative impact on tourism and tournament businesses. The current Departmental actions were taken to help speed the recovery of this fishery to lessen a long-term negative impact on tourism and tournament businesses.

Figure 1.

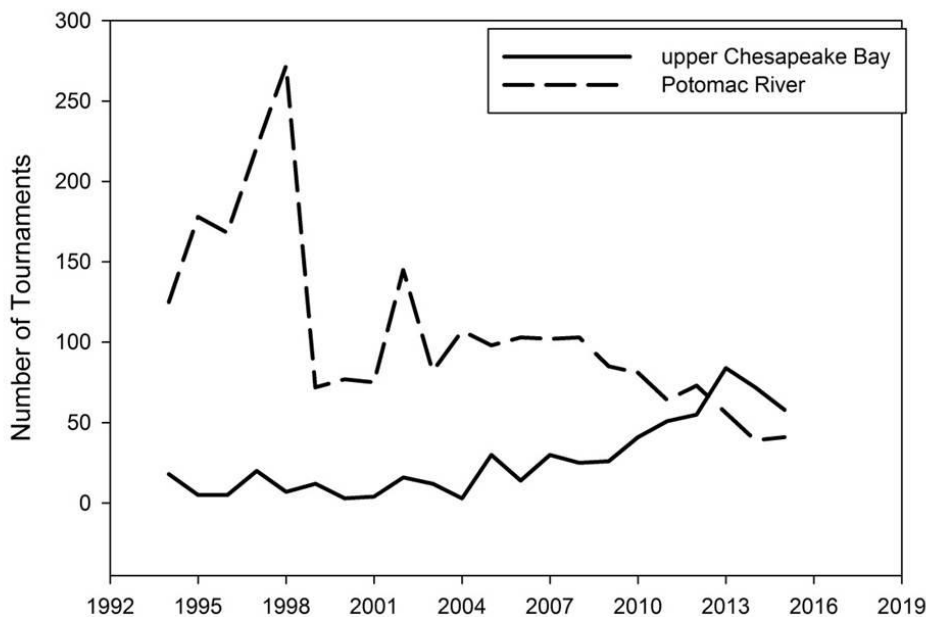


Figure 1: Number of Tournaments held on the Potomac River and Upper Chesapeake Bay.

Figure 2.

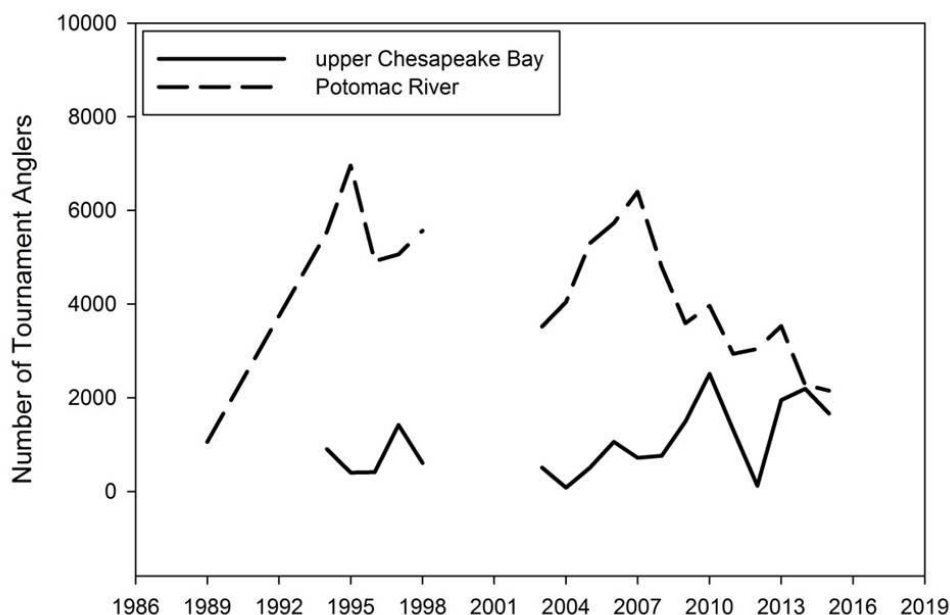


Figure 2: Number of Tournaments anglers participating in tournaments held on the Potomac River and Upper Chesapeake Bay.

4. On the Potomac River, tournaments will move to Virginia, which will hurt the population of bass in Maryland and possibly cause greater death of fish released at the major weigh-in location in Virginia.

Maryland has made significant investments into Smallwood State Park to make it a desirable location to conduct bass tournaments. The Department hopes that these improvements will continue to be utilized. In the future a river-wide regulation may be one way to address this concern; it would affect anglers from Virginia fishing in Maryland. But the time constraints of a regulation did not make that possible for this year. The Department will work with our partners in Virginia to discuss tournament concerns. However, the population cannot wait for consensus among the jurisdictions. If needed, Maryland will lead the conservation efforts for this important resource.

This past February, biologists from Virginia, Maryland, and D.C. presented evidence of declining bass populations, though there was not consensus on the explanation for the decline. The Department is leading conservation efforts along with its stakeholders (tournament directors, guides, anglers) to take actions against pollution, stock fish, enhance habitat, control invasive species, monitor disease in bass, and speed recovery of the fishery. The Department's current options for tournament directors, which were created based on considerable stakeholder feedback, should encourage tournament anglers to remain in Maryland and work with the Department in continuing their conservation efforts to speed recovery of the fishery.

5. Why are you picking on tournaments and not applying rule changes to the entire fishery?

Immediate Departmental action was necessary given the current status of the fishery. Implementing changes for the overall fishery will require regulation and would not be in place in 2016. However, various options will be considered for 2017 which could affect all users groups and the entire fishery.

The current action, which was one of many considered, affected possession. Possession is largely associated with many styles of tournament fishing. Most recreational anglers catch and immediately release bass that are captured. Some tournaments in Maryland have catch and immediate release formats (e.g., paper fish tournament rules), which does not cause the additional handling stress that can be associated with possession or lead to stockpiling. Most tournaments catch the bass, temporarily hold them in live wells or tanks, take them to weigh-in and then release the fish. Studies conducted by the Department indicate that total bass mortality following tournaments conducted in late June or July can range between 19% - 25% of total catch. Other studies indicate that post-release mortality during summer may reach 34% of total catch. Heavy bass tend to die more than smaller bass during tournaments. An analysis of length data for dead fish collected during Potomac River tournaments during the 12-inch season indicated that 70% of the fish were 15-inches or larger. This fact was the scientific justification for the implementation of the permit condition (12" minimum, 5 fish creel, only one fish 15" or bigger).

This new possession restriction was designed to bring fewer big fish to weigh-in and to reduce overall fishing mortality in a fishery where Largemouth Bass Virus and pollution additionally stress health of fish. The Department has long recognized that many tournament organizations implement a host of best practices that maximize fish care, thereby reducing fishing mortality. Recognition of this fact has led to the modification of the Department's original decision. Tournament organizations that implement a variety of best practices that were obtained from Florida's bass fisheries management style, can fish under Maryland's existing statewide regulations. Fisheries staff will be attending these tournaments to ensure fish care and compliance with best practices.

6. There will be a shift in fishing pressure to spring.

The Department will be able to monitor if there is a shift in tournament activity to the spring through our tournament permitting process. We will also be evaluating whether tournament fishing pressure is redirected to systems other than the Potomac River and Upper Chesapeake Bay. In the coming months, the Department will evaluate management

actions, with public scoping that could be implemented in 2017 to improve the fishery. This may apply to the spring season and to all bass anglers.

7. What is the justification for this restriction applied to the Upper Chesapeake Bay (Upper Bay) fishery?

The trend in the Upper Chesapeake Bay fishery is also a cause for concern (see Figure 3). Recent catch has been 2 years below the Management Plan Reference Line, possibly because of poorer than usual reproduction in 2012 and 2013. Figures 1 and 2 indicate increasing tournament pressure in the Upper Bay, which may partially be a result of tournaments shifting pressure from Potomac River to the Upper Bay. The Department is concerned that more tournaments could move to the Upper Bay if restrictions are not consistent in the Upper Bay and Potomac River. In addition, there is a higher prevalence of Largemouth Bass Virus (LMBV) in the Upper Bay as compared to the Potomac River. The LMBV-infected fish held under stressful conditions, such as live-wells during the summer, have a higher level of post release mortality. Considering the declining trend in the Upper Bay, proactive approaches to protection are needed.

Figure 3.

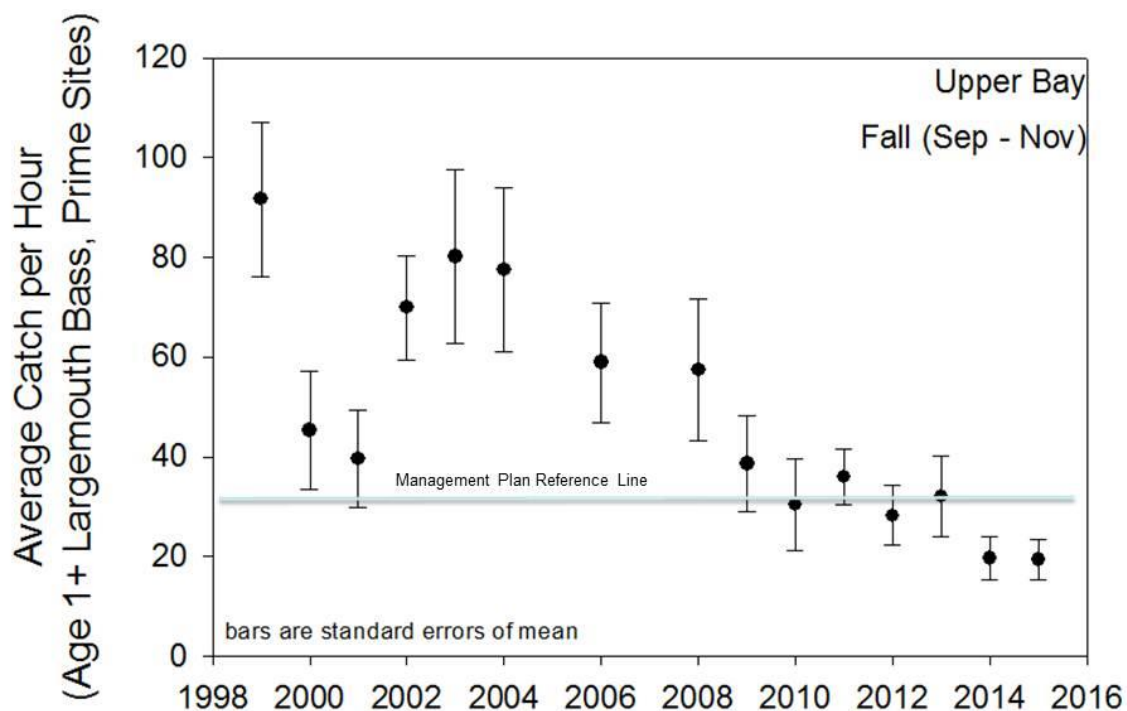


Figure 3. Average catch of Largemouth Bass (age 1+) for sites surveyed each year (1999 - 2015) for tidal freshwater of shoreline habitats in the Upper Chesapeake Bay. Line represents the fishery reference point, below which values are poor.

8. This restriction is only on tournaments, so recreational anglers can catch and kill up to 5 big fish.

Based on creel surveys, approximately 1% -5% of anglers catch and keep bass for personal use. Therefore, the harvest of largemouth bass is extremely low. However, regulations may be enacted in 2017 that would affect all user groups.

9. This stipulation will cause greater culling and handling of large fish.

Culling occurs during tournament events. Participants work to maximize weight within the possession limits that exist. While we understand that tournament anglers will cull big fish, the big fish that are culled are going back in the river and not in the live well.

10. Why weren't we given the opportunity for public comment on this rule?

The Department requested recommendations from the Black Bass Roundtable in February; however there was not consensus on what actions regarding possession restrictions should move forward. The Department committed to taking additional management action in 2016 and considered several other potential actions. Fisheries staff met in late February to consider a suite of management actions and scientific data to address the decline in the fishery. The options considered included: significant reductions in creel limits, increasing minimum size limits, no permits issued in July and August due to thermal concerns, a closed spring season, and/or catch and immediate release spring season.

The Department decided to take an action that restricted possession and was biologically meaningful. In order to take an action in 2016, it was necessary to add a permit stipulation/condition. The Department is authorized to add such stipulations, but does not take that authority liberally. Since the implementation of the permitting system in 2012, this is the first time that a stipulation was added to permits to restrict possession.

The option for a slot limit does not affect tournament opportunities like the other actions considered by the Department. It limits movement of big fish to release sites, reduces physiological stress on big fish in live wells, and is scientifically defensible as a measure to speed recovery of a stressed population. Of the options considered it was seen as the least problematic for tournaments. Tournament regulations require the Department to respond to an application within 15-30 days. Therefore, the Department had a very short timeframe to make a decision and implement it in the tournament permits. In hindsight, the Department should have notified constituents regarding all actions being considered immediately to allow for feedback. The window for feedback would have been very short, but meaningful. The Department will be increasing the frequency of bass stakeholder group meetings within a year and all stakeholders are encouraged to participate. An improved stakeholder process would help address this issue in the future.

11. This stipulation makes it more difficult to win a tournament based on skill rather than luck. Competition standards in the tournament are the same among anglers, and anglers can compete in a big fish competition. Alternatively, directors could exclude any big fish in the competition and facilitate a tighter competition among bag weights. Having fewer big fish in a bag may tighten the margin between bag weights and tournament directors are certainly allowed to exclude big fish from bag weights if they believe it will influence the competition too much.

In some cases, anglers may consider it luck that a big fish is caught, which could win the tournament. Others may consider it skill. Currently, anglers may also consider it either luck or skill when one or more big fish are caught to win a tournament. Winning lunger competitions or big bag could depend on both luck and skill, but enjoyment depends on the strength of the fishery. The restriction is meant to help strengthen the fishery. Concerns expressed by this comment could be eliminated if a tournament directors choose Option 2 when obtaining a permit and commit to implementing a suite of standardized best practices that maximize fish care.